

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KERRI M. HILL,)	8:04CV613
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
EMERGENCY DENTAL, INC.,)	
BRENTWOOD DENTAL GROUP,)	
INC., MICHAEL OBENG, JARED)	
DERR,)	
)	
Defendants.)	

On December 16, 2005, I denied the defendants' motions to dismiss and for more definite statement, and I granted Plaintiff leave to file a third amended complaint on or before January 4, 2006 (a) to indicate which causes of action are asserted against which defendants¹; and (b) to allege, if possible, that defendants Derr and Obeng were her "employers" within the meaning of the applicable state and federal discrimination statutes. (Filing 73.)

Plaintiff has failed to file her third amended complaint, nor have the defendants filed a motion to dismiss this matter based on Plaintiff's failure to comply with an order of this court, Fed. R. Civ. P. 41(b). Accordingly, I shall order Plaintiff to file a third amended complaint pursuant to the terms of my prior order (filing 73), in the absence of which this matter shall be dismissed without further notice.

¹The December 16 order noted that with the exception of Hill's second and third causes of action which specifically name the corporate defendant against which these claims are asserted, Hill's complaint fails to indicate which of her 15 causes of action are asserted against which defendants.

IT IS ORDERED:

1. The plaintiff shall file a third amended complaint in the following particulars: (a) to indicate which causes of action are asserted against which defendants; and (b) to allege, if possible, that defendants Derr and Obeng were her “employers” within the meaning of the applicable state and federal discrimination statutes;
2. The plaintiff shall file her third amended complaint on or before January 20, 2006; and
3. Plaintiff’s failure to file a third amended complaint which conforms to the terms of the court’s prior orders (filing 73) shall result in dismissal of this action without further notice.

January 12, 2006.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge